AMENDMENT TO H.R. 5005

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Strike section 302(4), relating to the Plum Island Animal Disease Center.

At the end of title III, insert the following new section:

- l sec. 3___. Transfer of Plum Island animal disease
- 2 CENTER, DEPARTMENT OF AGRICULTURE.
- 3 (a) Transfer Required.—In accordance with title
- 4 VIII, the Secretary of Agriculture shall transfer to the
- 5 Secretary of Homeland Security the Plum Island Animal
- 6 Disease Center of the Department of Agriculture, includ-
- 7 ing the assets and liabilities of the Center.
- 8 (b) Continued Department of Agriculture Ac-
- 9 CESS.—Upon the transfer of the Plum Island Animal Dis-
- 10 ease Center, the Secretary of Homeland Security and the
- 11 Secretary of Agriculture shall enter into an agreement to
- 12 ensure Department of Agriculture access to the center for
- 13 research, diagnostic, and other activities of the Depart-
- 14 ment of Agriculture.

In section 401, relating to the Under Secretary for Border and Transportation Security, redesignate paragraph (5) as paragraph (6) and insert before such paragraph the following new paragraph:

- 1 (5) conducting the inspection and related ad-2 ministrative functions of the Department of Agri-3 culture transferred to the Secretary of Homeland
- 4 Security under section 4____.

Strike section 402(3), relating to the Animal and Plant Health Inspection Service.

At the end of title IV, insert the following new section:

- 5 SEC. 4___. TRANSFER OF CERTAIN AGRICULTURAL IN-
- 6 SPECTION FUNCTIONS OF THE DEPARTMENT
- 7 **OF AGRICULTURE.**
- 8 (a) Transfer of Agricultural Import and
- 9 Entry Inspection Functions.—There shall be trans-
- 10 ferred to the Secretary of Homeland Security the func-
- 11 tions of the Secretary of Agriculture relating to agricul-
- 12 tural import and entry inspection activities under the laws
- 13 specified in subsection (b).
- 14 (b) COVERED ANIMAL AND PLANT PROTECTION
- 15 Laws.—The laws referred to in subsection (a) are the fol-
- 16 lowing:
- 17 (1) The Act commonly known as the Virus-
- 18 Serum-Toxin Act (the eighth paragraph under the

1	heading "Bureau of Animal Industry" in the Act of
2	March 4, 1913; 21 U.S.C. 151 et seq.).
3	(2) Section 1 of the Act of August 31, 1922
4	(commonly known as the Honeybee Act; 7 U.S.C.
5	281).
6	(3) Title III of the Federal Seed Act (7 U.S.C.
7	1581 et seq.).
8	(4) The Plant Protection Act (7 U.S.C. 7701 et
9	seq.).
10	(5) The Animal Protection Act (subtitle E of
11	title X of Public Law 107–171; 7 U.S.C. 8301 et
12	seq.).
13	(6) The Lacey Act Amendments of 1981 (16
14	U.S.C. 3371 et seq.).
15	(7) Section 11 of the Endangered Species Act
16	of 1973 (16 U.S.C. 1540).
17	(e) Exclusion of Quarantine Activities.—For
18	purposes of this section, the term "functions" does not
19	include any quarantine activities carried out under the
20	laws specified in subsection (b).
21	(d) Effect of Transfer.—
22	(1) Compliance with department of agri-
23	CULTURE REGULATIONS.—The authority transferred
24	pursuant to subsection (a) shall be exercised by the

Secretary of Homeland Security in accordance with



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	4
1	the regulations, policies, and procedures issued by
2	the Secretary of Agriculture regarding the adminis-
3	tration of the laws specified in subsection (b).
4	(2) Rulemaking coordination.—The Sec-
5	retary of Agriculture shall coordinate with the Sec-
6	retary of Homeland Security whenever the Secretary
7	of Agriculture prescribes regulations, policies, or
8	procedures for administering the laws specified in
9	subsection (b) at the locations referred to in sub-
10	section (a).
11	(3) Effective administration.—The Sec-
12	retary of Homeland Security, in consultation with
13	the Secretary of Agriculture, may issue such direc-
14	tives and guidelines as are necessary to ensure the
15	effective use of personnel of the Department of
16	Homeland Security to carry out the functions trans-
17	ferred pursuant to subsection (a).
18	(e) Transfer Agreement.—
19	(1) AGREEMENT REQUIRED; REVISION.—Before
20	the end of the transition period, as defined in section
21	801(2), the Secretary of Agriculture and the Sec-



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1	culture and the Secretary of Homeland Security may
2	jointly revise the agreement as necessary thereafter.
3	(2) Required Terms.—The agreement re-
4	quired by this subsection shall specifically address
5	the following:
6	(A) The supervision by the Secretary of
7	Agriculture of the training of employees of the
8	Secretary of Homeland Security to carry out
9	the functions transferred pursuant to sub-
10	section (a).
11	(B) The transfer of funds to the Secretary
12	of Homeland Security under subsection (f).
13	(3) Cooperation and reciprocity.—The
14	Secretary of Agriculture and the Secretary of Home-
15	land Security may include as part of the agreement
16	the following:
17	(A) Authority for the Secretary of Home-
18	land Security to perform functions delegated to
19	the Animal and Plant Health Inspection Service
20	of the Department of Agriculture regarding the
21	protection of domestic livestock and plants, but
22	not transferred to the Secretary of Homeland
23	Security pursuant to subsection (a).
24	(B) Authority for the Secretary of Agri-
25	gulture to use employees of the Department of



1	Homeland Security to carry out authorities del
2	egated to the Animal and Plant Health Inspec
3	tion Service regarding the protection of domes
4	tic livestock and plants.
5	(f) Periodic Transfer of Funds to Depart
6	MENT OF HOMELAND SECURITY.—
7	(1) Transfer of funds.—Out of funds col
8	lected by fees authorized under sections 2508 and
9	2509 of the Food, Agriculture, Conservation, and
10	Trade Act of 1990 (21 U.S.C. 136, 136a), the Sec
11	retary of Agriculture shall transfer, from time to
12	time in accordance with the agreement under sub
13	section (e), to the Secretary of Homeland Security
14	funds for activities carried out by the Secretary of
15	Homeland Security for which such fees were col
16	lected.
17	(2) Limitation.—The proportion of fees col
18	lected pursuant to such sections that are transferred
19	to the Secretary of Homeland Security under this
20	subsection may not exceed the proportion of the
21	costs incurred by the Secretary of Homeland Secu
22	rity to all costs incurred to carry out activities fund
23	ed by such fees.
24	(g) Transfer of Department of Agriculture
25	EMPLOYEES.—During the transition period, the Secretary



1	of Agriculture shall transfer to the Secretary of Homeland
2	Security not more than 3,200 full-time equivalent posi-
3	tions of the Department of Agriculture.
4	(h) Protection of Inspection Animals.—Title V
5	of the Agricultural Risk Protection Act of 2000 (7 U.S.C.
6	2279e, 2279f) is amended—
7	(1) in section 501(a)—
8	(A) by inserting "or the Department of
9	Homeland Security" after "Department of Ag-
10	riculture"; and
11	(B) by inserting "or the Secretary of
12	Homeland Security' after "Secretary of Agri-
13	culture'';
14	(2) by striking "Secretary" each place it ap-
15	pears (other than in sections 501(a) and 501(e))
16	and inserting "Secretary concerned"; and
17	(3) by adding at the end of section 501 the fol-
18	lowing new subsection:
19	"(e) Secretary Concerned Defined.—In this
20	title, the term 'Secretary concerned' means—
21	"(1) the Secretary of Agriculture, with respect
22	to an animal used for purposes of official inspections
23	by the Department of Agriculture; and
24	"(2) the Secretary of Homeland Security, with
25	respect to an animal used for purposes of official in-



- 1 spections by the Department of Homeland Secu-
- 2 rity.".